

EDWARD LEATHERS

and His Descendants - Durham, NH

To locate the old Leathers cemetery:

At Coe's Corner on Route #108 from Dover leading into Durham, NH just after the Concord overpass turn left on the Piscataqua Road (now discontinued) and travel a short distance to the Durham skating rink. Walk around the rink and on the back side of it is a path leading through the woods to the water. On a knoll inside an enclosure is the cemetery. Evidently the old field stones are for the early Leathers family members.

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Records in Strafford County relating to the above:

Book 213-Page 421 Emerson to Libby:

I, John T. Emerson of Durham in the County of Strafford and State of New Hampshire for and in consideration of the sum of Fifty dollars to me in hand before the delivery thereof, well and truly paid by Joseph Libby of Georgetown in the district of Columbia--the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Libby and his heirs and assigns forever, the following lot of land in said Durham lying in said Emerson's field on the Southerly side of the Road leading by said Emerson's dwelling house to Portsmouth and commonly designat as the Leathers Burying Ground, and particularly described as follows to wit from the Northeast corner of said lot South thirty-four and a half degrees, West thirty-eight feet to an apple tree near the center of said lot, thence from said corner South sixteen degrees, East seventy feet; thence South seventy-four degrees, West thirty-eight feet; thence North twenty-seven and three-quarters degrees; West seventy-six feet; thence North seventy-nine degrees East fifty-two feet to the bounds first mentioned. Said lot to be used for a Burying yard and for no other purpose with a right-of-way to and from said lot through said Emerson's other land...

In Witness Whereof I have hereunto set my hand and seal, this tenth day of September, in the year of our Lord one thousand eight hundred and fifty-thre Signed, Sealed and Delivered in presence of us:

Eben Smith

J. A. Richardson

John T. Emerson SEAL

State of New Hampshire, Strafford SS, September 11, A.D. 1853

Personally appearing, the above named John T. Emerson.....

J.A.Richardson, Justice of Peace

Received September 20, 1853, Examined by E. Wadleigh, Recorder

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In the 1970s: Erma Jackson to Town of Durham:

Two parcels -- 26 acres; one on North side of Turnpike and one on South side of Turnpike; Northerly by said Turnpike and Easterly by land of Valentine Mathes, Southerly by Oyster River and Pendexter's thatch bed, Westerly by land of Joseph W. Coe's heirs, reserving and excepting the burial ground granted by John T. Emerson to John Libby with all privileges and appurtenances to same belonging to the heirs and assigns of said Libby forever.

Note: The first deed was to Joseph Libby and the second one mentions John Libby.

Escrow Libby

Know all Men by these Presents, THAT

I John P. Emerson of Durham in the County of Stafford and State of New Hampshire for and in consideration of the sum of Fifty dollars to me in hand before the delivery hereof, well and truly paid by Joseph Libby of Georgetown in the district of Columbia the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, convey and confirm unto the said Libby and his heirs and assigns forever, the following lot of

Land in said Durham lying in said Emersons Field, on the south side of the Road leading by said Emersons dwelling house to Portsmouth, and commonly designated as the Leathers Burying ground, and particularly described as follows, to wit, from the North East corner of said lot South thirty four and a half degrees west thirty eight feet to an apple tree near the center of said lot; thence from said corner South sixteen degrees east seventy feet; thence South seventy four degrees west thirty eight feet; thence North twenty seven and three quarters degrees west seventy six feet; thence North twenty nine degrees east fifty two feet to the bounds first mentioned. said lot to be used for a Burying garden, and for no other purpose with a right of way to and from said lot through said Emersons other land

To Have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to the said Libby and his heirs and assigns to his and their only proper use and benefit forever. And I the said Emerson and my heirs, executors and administrators, do hereby covenant, grant and agree to and with the said Libby and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right in fee simple, and have full power and lawful authority to grant and convey the same in the manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Libby and his heirs and assigns, against the lawful claims and demands of any person or persons whatsoever.

In Witness Whereof I have hereunto set my hand and seal, this twelfth day of September, in the year of our Lord one thousand eight hundred and fifty three Signed, Sealed and Delivered in presence of us Robert Smith John P. Emerson seal J. A. Richardson

State of New Hampshire, Stafford the September 12th A. D. 1853 John P. Emerson acknowledged the foregoing instrument to be his voluntary act and deed, before me, J. A. Richardson Justice of the Peace to the said Emerson.

Post-it Fax Note 7671 Date 5/14/99 # of pages 1 To Sir G. G. Co. Dept. From Dene Holt Phone # Phone #

highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

II. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person.

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.

Source. 1994, 318:2, eff. Aug. 7, 1994.

289:4. Maintenance.

Every municipality shall raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for, and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply the fence with necessary gates. Every municipality may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted burial grounds and cemeteries which have been declared abandoned in accordance with RSA 289:19-21.

Source. 1994, 318:2, eff. Aug. 7, 1994.

289:5. Cemetery Records.

The corporate officer or designee of a cemetery corporation or town cemetery trustees charged with the responsibility of operation and administration of any cemetery under their control shall keep a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part of such plot or lot, in

